

REMARKS/ARGUMENTS

Claims 1, 15, and 29 have been amended to emphasize that it is the object , but not the energy source, that is rotated about an axis of rotation.

The rejection of Claims 1 – 3, 5, 15 – 17, 19, 29 – 31, and 33 under 35 U.S.C. § 103(a) as being unpatentable over Swift (US Patent 4,472,822) in view of Schwartz (US Patent 6,400,791), the rejection of Claims 4, 18, and 32 under 35 U.S.C. § 103(a) as being unpatentable over Swift and Schwartz and further in view of Hsieh (US Patent 6,226,350), and the rejection of Claims 6, 20, and 34 under 35 U.S.C. § 103(a) as being unpatentable over Swift and Schwartz and further in view of Besson et al. (US Patent 6,301,325) and Feldkamp et al. ("Practical cone-beam algorithm) are each respectfully traversed.

Without conceding anything about the reasons for the rejection of the dependent claims, the basis for the rejection of claims 1, 15, and 29 remains flawed. Fundamental to the claims is the combined requirement that the object be rotated and that the axis of rotation of the object be at a canted angle with respect to the image plane. Previously, the rejected claims were amended to emphasize that it is not the object that is at a canted angle with respect to the image plane, but the axis of rotation of the object is at a canted angle. Applicant pointed out the Examiner's acknowledgement that Swift does not disclose having an image plane at a canted angle and that Schwarz was cited as purportedly teaching that feature. But, as previously pointed out, and which The Examiner has not refuted, Schwarz does not teach that feature. Schwarz' object doesn't rotate at all. It is Schwarz' X-ray source that rotates, on the rotary ring.

The Examiner appears to be contending that one could substitute Schwarz' patient support mechanism for Swift's rotary support, but applicant pointed out that such would be well outside the expectation of either inventor and contrary to Schwarz' purpose, which is to move the patient (object) in a linear movement relative to the detector, i.e., along the Z – axis shown in Schwarz' Figure 2. Moreover, substituting Schwarz' patient support for the Swift's rotary support would not only be tremendously expensive to construct and awkward to operate (no doubt throwing the Swift patient off

his stool), but it would change the principle of operation of the Swift device, which is to view a horizontal section of interest, and defeat the purpose of the Schwarz mechanism, which is to move the patient linearly, not rotationally, relative to the detector.

Notwithstanding the foregoing reasons demonstrating why the references should not be combined, the Examiner, in a conclusory manner simply declares that they should be combined because one would be motivated to do so "to better display objects whose center axis is inclined toward the center axis of the patient supportas shown by Schwarz." But Schwarz doesn't rotate that center axis; he rotates the X-ray source 4 in his gantry 1. In response, applicant now points out that because it would be impossible to rotate Swift's patient at a canted angle, the only way to add the canted angle of Schwarz to Swift is to use Schwarz' gantry 1 in place of Swift's X-ray source and detector, but then, as in Schwarz, the X-ray source would be rotating at the same time the patient is being rotated, introducing tremendously complicated calculations, if such an arrangement is calculable at all. Applicant has therefore further amended the rejected claims to distinguish even further from the Examiner's proposed combination of Swift and Schwarz by calling for the object, but not the energy source, to be rotated about an axis of rotation. Accordingly, there is no basis at all for making the odd combination of Swift and Schwarz mechanisms.

Applicant believes all the claims are in condition for allowance and respectfully solicit a Notice of Allowance. In the event all the claims are not allowed, the Examiner is respectfully requested to enter the amendment as placing the application in better condition for appeal.

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